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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,028	03/01/2002	Linda N. Winslow	LYON 0127 PUS	6508
22045	7590	02/23/2005	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			HARLAN, ROBERT D	
			ART UNIT	PAPER NUMBER
			1713	

DATE MAILED: 02/23/2005

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/087,028
Filing Date: March 1, 2002
Appellant(s): WINSLOW, LINDA N.

MAILED
FEB 23 2005
GROUP 1700

William G. Conger
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/10/2005.

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(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 12-20 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c) (7).

(8) ClaimsAppealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

Hauptman et al., International Publication No. WO 01/923342 A2 (hereinafter "Hauptman").

ARGUMENT

For the above reasons, it is believed that the rejections should be sustained.

Claims 12-20 remain rejected under 35 USC § 102(a) over Hauptman. The Examiner concurs with the Appellant on the issue

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in the present case. The issue is whether R²⁶ and R²⁷ as disclosed in Hauptman (see pages 30-31, formulae XIV & XV) teaches the R¹ and R² limitations of present claim 12.

The Applicants incorrectly asserts, "in Hauptman's catalyst complexes, both hydrocarbon groups attached to the imino nitrogens must be branched, while in Applicants complexes, no more than one may be branched." With respect to R²⁶ and R²⁷, Hauptman states:

R²⁶ and R²⁷ are each independently hydrocarbyl or substituted hydrocarbyl, provided that the carbon atom bonded to the imino nitrogen atom has at least two carbon bound to it.

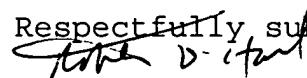
With respect to R¹ and R² the present claim 12 recites the following proviso, "not more than 1 of R¹ and R² is a hydrocarbon which is branched at the imino-bonded carbon atom."

The Examiner argues a teaching that the carbon atom bonded to the imino nitrogen atom has at least two carbon bound to it does not necessarily mean that the secondary carbon atom is branched. Understandably, an isopropyl or isobutyl substituent, which contains a secondary carbon atom, is undoubtedly branched. However, a phenyl group (as shown in Hauptman, page 88, formula 48) or a cyclohexyl group with six identical secondary carbon atoms is not branched because the bond connectivity of the carbon atoms are all linked in a cyclic fashion destroying any

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branching. If a phenyl ring contained a hydrocarbon substituent outside of the cyclic bond connectivity, then the argument that the group is branched may be plausible.

Thus, reading the claims in the broadest light possible, it is clear that Hauptman anticipates the claims 12-20 because neither R²⁶ nor R²⁷ is branched.

Respectfully submitted,


Robert D. Harlan
Primary Examiner
Art Unit 1713

rdh

February 16, 2005

Conferees

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SPE AU 1713

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